

REMARKS/ARGUMENTS

In response to the Office Action mailed March 25, 2008, Applicant amends his application and requests reconsideration. No claims are added or cancelled so that claims 1-23 remain pending.

While the Examiner commented on the Abstract, it was not apparent that there was an objection to the Abstract. Nevertheless, a substitute Abstract is supplied.

All of the claims presented for examination were rejected as indefinite based upon the language concerning “product/services” that appeared throughout the claims. Further, claim 20 was characterized as indefinite.

All of the claims have been reviewed and have been amended to be consistent with the disclosure of the patent application and, hopefully, clearer. The term “product/services” is no longer employed. Instead, reference is made to at least one of products and services, consistent with the usage of those terms in the patent application. In general, the terms refer to content that is supplied electronically. The content may be a product, e.g., software, or a service, such as news information. See page 2, lines 3-6 of the patent application, for example. Claim 20 is among the claims that have been clarified and the language cited as indefinite no longer appears in that claim.

Claims 1-23 were rejected as obvious over Giudilli (Published U.S. Patent Application 2006/0242-38) in view of Bergs et al. (Published U.S. Patent Application 2005/0175181, hereinafter Bergs). This rejection is respectfully traversed because neither of Giudilli nor Bergs is prior art to the present patent application.

The present patent application was filed on October 22, 2003. Although the inventor is not within the United States, no foreign priority was claimed for the present patent application pursuant to 35 USC 119. Thus, the effective filing date of the present patent application is October 22, 2003.

Giudilli is a publication of a U.S. patent application based upon an international patent application filed in Italy. That international application was filed July 12, 2004. Consultation with the records of WIPO shows that the international application was published in English on January 20, 2005. In any event, the earliest effective filing date of Giudilli as prior art against the present patent application is July 12, 2004, some nine months after the filing date of the present patent application. Accordingly, Giudilli cannot be applied as prior art against any claim of the present patent application.


Bergs is a U.S. patent application, not based upon an international patent application, but based upon a foreign priority patent application. Therefore, the earliest effective date of Bergs as prior art against the present patent application is its U.S. filing date, September 7, 2004. That date is ten and one-half months after the filing date of the present patent application. Accordingly, Bergs cannot be prior art against any claim of the present patent application.

Since neither Giudilli nor Bergs can be prior art to the present patent application, it is not necessary to consider their disclosures nor the claim rejections. Those rejections must be withdrawn.

In this Amendment, claims are clarified, particularly in response to the rejection as to form, but no claim is amended in any way in response to any prior art rejection. Therefore, any new rejection based upon prior art or a different legal ground cannot properly be a final rejection.

Reconsideration and allowance of claims 1-23 are earnestly solicited.

Respectfully submitted,


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